IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 371 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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STATION DIRECTOR - Petitioner(s)

Versus

SHIVABHAI L PARMAR - Respondent(s)

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Appearance :
MS KN VALIKARIMWALA for Petitioner(s) : 1,
MR TR MISHRA for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 25/11/2005

ORAL JUDGMENT

1. This petition is directed against the order passed by the Industrial Tribunal, Ahmedabad dated 22.1.2001 below Exh.5 in Reference (ITC) No.48/1998 and also the order dated 30.8.2001 passed below Exh.26 to 30 in Reference (ITC) No.48/1998.

2. The short facts of the case are that the respondent was engaged as casual Announcer purely on casual contract basis due to exigencies of service as and when need

arose. The respondent has filed Reference ITC No.48/98 before Industrial Tribunal, Ahmedabad stating inter alia that he had worked from 1.4.86 to 1.8.1997 as casual Announcer and that the petitioner has stopped giving work to the respondent. He has also alleged that the petitioner has not terminated the service of respondent and has also not given any notice to the respondent. The respondent has filed an application exh.5 in the said reference which was allowed by the Tribunal and directed the petitioner to give work for 12 days every month to the respondent.

3. The petitioner has filed various applications being Exhs.26 to 30 for restraining the President of Union or its representative to plead the case, to set aside the interim order, to stay the interim order, to condone the delay and to open the stage of filing reply. By order dated 30th August 2001 the Industrial Tribunal rejected all the applications except which was for opening the stage of reply. The aforesaid orders are challenged in the present petition.

4. While admitting the matter this Court, by order dated 10th April 2002 had granted interim relief in terms

of para 8(d) i.e. the order granting interim relief to the respondent.

5. Looking the overall facts and circumstances of the case, I am of the opinion that instead of deciding the matter on merits, interests of justice would be met by directing the Tribunal to decide the Reference within a stipulated period by continuing the interim relief granted by this Court.

6. Accordingly the Industrial Tribunal, Ahmedabad, is directed to hear and dispose of the Reference (ITC) No.48/98 within a period of six months from the date of receipt of writ of this order. The interim relief granted by this Court shall be continued till the disposal of the aforesaid Reference. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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